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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,669	04/04/2002	Kalevi Ratschunas	4925-205PUS	5659

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EXAMINER

NGUYEN, TAI T

ART UNIT PAPER NUMBER

2632

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/030,669

Applicant(s)

RATSCHUNAS, KALEVI

Examiner

Tai T. Nguyen

Art Unit

2632

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 13-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 9-10, 13-18, 25-30, 32-37, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Tognazzini (US 5,790,974).

Regarding claim 1, Tognazzini discloses a location-dependant personal organizer (12) for operation with a memory (30) for storing a plurality of appointment entries each including data specifying a time and place (col. 4, line 48-52) comprising:

a locating unit in the form of a GPS receiver (42) capable of determining the location of the personal organizer (col. 5, line 60 through col. 6, line 18);

a clock (16b) capable of determining the present time (figure 2);

an alerting unit (20b) for generating an alert to a user (figure 1); and

an alert processor (16b) coupled to the memory, the locating unit, the clock, and the alerting unit and capable of actuating the alerting unit at a period of time before the stored time for an appointment entry that is dependant on stored place for the appointment entry and the determine location of the personal organizer (col. 6, line 54 through col. 7, line 10).

an alert processor (16b) being arranged to actuate the alerting unit in dependent on the on stored place for that appointment entry and the determine location of the personal organizer (col. 14, line 62 through col. 15, line 8).

Regarding claim 2, Tognazzini discloses the personal organizer comprising at least a part of the memory (figures 3a and 5).

Regarding claims 3 and 13, Tognazzini discloses the locating unit being capable of determining the location of the personal organizer and making that available to the alert processor (col. 5, lines 1-3).

Regarding claims 4 and 14-15, Tognazzini discloses the memory being capable of storing information defining the location of the place specified for the appointment entry (figure 5).

Regarding claims 5-7 and 16-18, Tognazzini discloses the alert processor being capable of estimating the journey time needed to travel from the location of the personal organizer to the location of the place of the appointment entry and actuating the alerting unit at a period before the stored time for an appointment entry that is dependant on that journey time and determining whether there is sufficient time (col. 6, line 54 through col. 7, line 10).

Regarding claims 9 and 25-30, Tognazzini discloses the personal organizer being capable of acting as a cellular phone for at least making and receiving phone calls (figure 1; col. 5, lines 41-50).

Regarding claims 10, 32-37, and 39, Tognazzini discloses the use of an audible alert (col. 14, line 62 through col. 15, line 8).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 19-24, 31, 38, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini in view of Sawyer et al. (US 5,307,400).

Regarding claims 8 and 19-24, Tognazzini discloses the instant claimed invention except for the locating unit determining the location of the personal organizer by means of cellular telephone network. Sawyer et al. teach the use of a cellular telephone network to locate a mobile electronic device (col. 5, lines 17-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a cellular network to determine the location of the device for the purpose of simplifying construction of the device.

Regarding claim 31, Tognazzini discloses the personal organizer being capable of acting as a cellular phone for at least making and receiving phone calls (figure 1; col. 5, lines 41-50).

Regarding claim 38, Tognazzini discloses the use of an audible alert (col. 14, line 62 through col. 15, line 8).

Regarding claim 46, Tognazzini discloses the instant claimed invention except for the alert being silent. It would have been obvious to one of ordinary skill in the art at the

time the invention was made to use a silent alert instead of the audible alert in order to provide an alert without interrupting other people.

5. Claims 11, 40-45, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini (US 5,790,974).

Regarding claims 11, 40-45 and 47, Tognazzini discloses the instant claimed invention except for the alert being silent. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a silent alert instead of the audible alert in order to provide an alert without interrupting other people.

### ***Response to Arguments***

6. Applicant's arguments filed September 27, 2004 have been fully considered but they are not persuasive.

a. Applicant argues that Tognazzini fails to disclose the newly added limitation of "the alert processor being arranged to actuate the alerting unit in dependent on the on stored place for that appointment entry and the determine location of the personal organizer" as set forth in amended claim 1. Examiner does not agree. Tognazzini discloses in col. 14, line 62 through 15, line 8 that the alert processor is arranged to activate the alerting unit depend upon the stored place of an appointment entry and the location of the portable calendar device.

b. Applicant argues that Tognazzini only disclose that an audible alarm may be generated at the beginning of the time period that a person travels, or when a stored

schedule must be updated. Applicant has not claimed any specific time period for generation of the alert or when the stored schedule should be updated relative to the location of the personal organizer.

c. Applicant argues that the alert processor of the claimed invention is configured not to actuate the alerting unit, or provide a silence alert, dependent upon the stored location for an appointment and determine location of the personal organizer, should the organizer be located at the location of the appointment at the scheduled time thereof. Applicant has not claimed the personal organizer being configured not to actuate the alerting unit, or provide a silence alert, dependent upon the stored location for an appointment and determine location of the personal organizer, should the organizer be located at the location of the appointment at the scheduled time thereof.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'T. Nguyen', with a long horizontal flourish extending to the right.

Tai T. Nguyen  
Examiner  
Art Unit 2632

February 5, 2005